

DETAILED ACTION

Applicant's election of Group I in the reply filed on 07/09/2009 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim 25 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 07/09/2009.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2,3,7,9-11, 13, 20 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims set out a limitation which may be "in particular", a further limitation. The metes and bounds of the claim are not definite. Applicant is advised to set out further dependent claims for these limitations.

Claim 9 recites the limitation "the proportion of glucose" in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

Parragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-16, 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0693 291 A2 (United States Surgical Corporation).

United States Surgical Corporation discloses a composition of a polysaccharide with free aldehyde groups. The polymer is further crosslinked (see Abstract). Dextarn is particularly set out at page 2, line 29. The wound treatment may be in the form of a paste or fluid (see page 4, line 20). Water soluble characteristics are determined (inherent to) by the particular polysaccharide chosen. When forming the polysaccharide, the aldehyde groups are oxidized. Dextan is well known for its bioabsorbable characteristics. The ratio of oxidized to non-oxidized aldehyde groups is again inherent to the polysaccharide. A composition, whatever its method of making is a composition unless the composition is patentably different.

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Oxidation of polysaccharides is specifically recited at page 2, lines 50-54. Hydrogel (water uptake) characteristics of the gel are again determined by the particular polysaccharide. Epichlorohydrin is used as a crosslinker at page 2, line 36. A dry version of the composition is found at page 4, lines 34-36. The intended uses of the composition (claims 21-24) are not given patentable weight. The claims are anticipated by United States Surgical Corporation.

Claims 1-14 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 99/01141 (Orquest, Inc).

Orquest, Inc. discloses a composition a polysaccharide with an aldehyde group. A second polysaccharide is then attached (see Abstract). Three-dimensional forms are set out at page 5, lines 11-22. Sponge-like (open-cell foam) and particulate forms are set out also. Water soluble characteristics are determined (inherent to) by the particular polysaccharide chosen. The ratio of oxidized to non-oxidized aldehyde groups is again inherent to the polysaccharide. When forming the polysaccharide, the aldehyde groups are oxidized. A composition, whatever its method of making is a composition unless the composition is patentably different. . Hydrogel (water uptake) characteristics of the gel are again determined by the particular polysaccharide. The intended uses of the composition (claims 21-24) are not given patentable weight. The claims are anticipated by Orquest, Inc.

Claims 1-16 and 20-24 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 0 815879 A2 ((Johnson & Johnson Medical, Inc).

(Johnson & Johnson Medical, Inc discloses polysaccharides that are water soluble (see Abstract). Sheets, non-woven and sponge forms are listed page 3, lines 52-53. When forming the polysaccharide, the aldehyde groups are oxidized. The ratio of oxidized to non-oxidized aldehyde groups is again inherent to the polysaccharide. Drying of the slurry is found at page 4, lines 11-24. . Hydrogel (water uptake) characteristics of the gel are again determined by the particular polysaccharide. The intended uses of the composition (claims 21-24) are not given patentable weight. The claims are anticipated by Johnson & Johnson Medical, Inc.

Claims 1, 9-14, 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Carbohydrate Polymers, 46 (2001) 241-248 (Christensen et al).Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos A. Azpuru whose telephone number is (571) 272-0588. The examiner can normally be reached on Tu-Fri, 6:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert A. Wax can be reached on (571) 272-0623. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Carlos A. Azpuru/
Primary Examiner, Art Unit 1615

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Art Unit 1615

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Christensen et al discloses a polysaccharide. Water soluble characteristics are determined (inherent to) by the particular polysaccharide chosen. The ratio of oxidized to non-oxidized aldehyde groups is again inherent to the polysaccharide. When forming the polysaccharide, the aldehyde groups are oxidized. A composition, whatever its method of making is a composition unless the composition is patentably different. . Hydrogel (water uptake) characteristics of the gel are again determined by the particular polysaccharide. The intended uses of the composition (claims 21-24) are not given patentable weight. The claims are anticipated by Christensen et al.

Claims 17 and 18 are objected to as dependent upon a rejected base claim.